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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
A0000102-01-SMH

In re Application of: Stephen Douglas Barrett, et al.

Application No.: 10/031,037

Filed: May 13, 2002

For: METHOD FOR TREATING CHRONIC PAIN USING MEK INHIBITORS

The owner\*, Warner-Lambert Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,469,004 B1 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

Francis J. Tinney 3-22-05  
Signature Date  
Francis J. Tinney  
Typed or printed name

734-622-7295  
Telephone Number

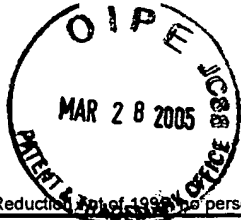
- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Stephen Douglas Barrettm et al.

Application No./Patent No.: 10/031,037 Filed/Issue Date: May 13, 2002

Entitled: METHOD FOR TREATING CHRONIC PAIN USING MEK INHIBITORS

Warner-Lambert Company, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010235, Frame 0232, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

3-22-05

Date

734-622-7295

Telephone number

Francis J. Tinney

Typed or printed name

Francis J. Tinney

Signature

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

As a below-named inventor, I hereby declare that:

My post office address is as stated below under my signature and I am named as an inventor of the inventions or discoveries (herein INVENTIONS) as described in the patent application (herein APPLICATION) identified below. In view of valuable consideration, receipt thereof is hereby acknowledged, I do hereby assign and transfer unto WARNER-LAMBERT COMPANY, a corporation of the State of Delaware, having a place of business at MORRIS PLAINS, NEW JERSEY, its successors and assigns, my entire interest in and the full exclusive right to the INVENTIONS, the APPLICATION and all related applications (including provisionals, divisions, reissues, continuations, and extensions thereof) and all counterparts in other countries and any and all Letters Patent (and certificates of invention or similar certificates) (herein PATENTS) which may be granted based upon the INVENTIONS or the APPLICATION or related applications or counterparts in other countries; said transfer and assignment being applicable throughout the world. I hereby authorize and request officials of patent offices in any and all countries of the world to issue any and all of the PATENTS, when granted, to WARNER-LAMBERT COMPANY, its successors and assigns, as the assignee of my entire right, title and interest in and to the same. I agree that I will communicate to WARNER-LAMBERT COMPANY, or its representatives, any facts known to me respecting the invention; testify in any legal proceedings; sign all lawful papers; execute all provisional, divisional, continuation, substitution, renewal and reissue applications; execute all necessary assignment papers to cause any and all of the PATENTS to be issued to WARNER-LAMBERT COMPANY; make all rightful oaths; and generally do everything possible to aid WARNER-LAMBERT COMPANY, its successors and assigns, to obtain and enforce proper protection for the INVENTION in any and all countries throughout the world. The APPLICATION is identified herein.

Serial No. (if known) :  
 Filing Date (if known) : July 16, 1999  
 Execution Date(s) of Application :

Title: METHOD FOR TREATING CHRONIC PAIN USING MEK INHIBITORS

FULL NAME OF INVENTOR : STEPHEN BARRETT

Inventor's signature : *Stephen Barrett* Date: August 11, 1999  
Residence : 14220 Sunbury  
Livonia, Michigan 48154  
Citizenship : United States  
Post Office Address : Same

---

STATE OF MichiganCOUNTY OF Washtenaw

On August 11, 1999, the above-named inventors personally appeared before me and executed the foregoing instrument and acknowledged the same to be their free acts and deeds in and for the purpose set forth in said instrument.

(SEAL)

*Diane L. Ostrowski*  
Notary Public

My Commission Expires:

DIANE L. OSTROWSKI  
Notary Public, Livingston County, Michigan  
Acting in Washtenaw County  
My Commission Expires June 24, 2000

FULL NAME OF INVENTOR : ALEXANDER J. BRIDGES

Inventor's signature : Alexander J. Bridges Date: 8/11/99  
Residence : 3301 Textile Road  
Saline, Michigan 48176  
Citizenship : United States  
Post Office Address : Same

---

STATE OF MichiganCOUNTY OF Washtenaw

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(SEAL)

Diane L. Ostrowski  
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My Commission Expires:

DIANE L. OSTROWSKI  
Notary Public, Livingston County, Michigan  
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FULL NAME OF INVENTOR : ALISTAIR DIXON

Inventor's signature :

Residence :

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Alistair Dixon

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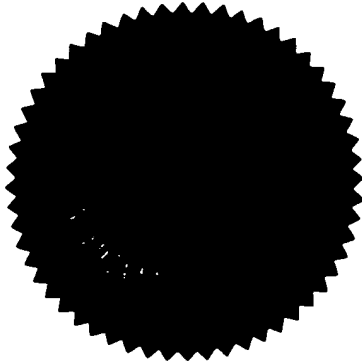
Same

Date:

27<sup>th</sup> July 1999COUNTRY OF UNITED KINGDOMCOUNTY OF CAMBRIDGESHIRE

On 27<sup>th</sup> July 1999, the above-named inventor<sup>s</sup> personally appeared before me and executed the foregoing instrument and acknowledged the same to be their<sup>s</sup> free acts and deeds in and for the purpose set forth in said instrument.

APM  
APM

Paul Huskinson

Notary Public

My Commission Expires:

On Death

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FULL NAME OF INVENTOR : KEVIN LEE

Inventor's signature :

Residence :

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KEVIN LEE

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United Kingdom

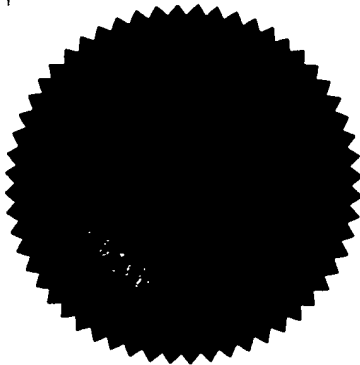
Same

Date: 27<sup>th</sup> July 1999

COUNTRY OF UNITED KINGDOM

COUNTY OF CAMBRIDGESHIRE

On 27<sup>th</sup> July 1999, the above-named inventor<sup>s</sup> personally appeared before me  
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deed<sup>s</sup> in and for the purpose set forth in said instrument.

Paul Huskinson

Notary Public

My Commission Expires:

On Death

ALAN PAUL HUSKINSON  
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FULL NAME OF INVENTOR : ROBERT PINNOCK

Inventor's signature :

Residence :

Citizenship :

Post Office Address :

Robert Pinnock  
 3 Teasel Way  
 Cambridge, UK CB1 9YT

Date: 27<sup>th</sup> July 1999

United Kingdom  
 Same

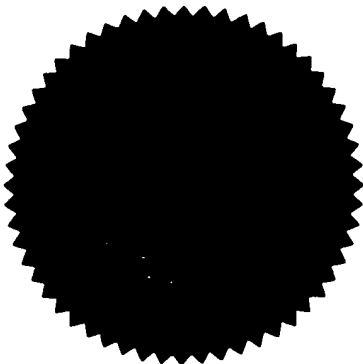
COUNTRY OF UNITED KINGDOM

COUNTY OF CAMBRIDGESHIRE

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 and executed the foregoing instrument and acknowledged the same to be ~~their~~/free act~~s~~ and  
 deed~~s~~ in and for the purpose set forth in said instrument. his

ARM

ARM



My Commission Expires:

Paul Huskinson

Notary Public

on Death

ALAN PAUL HUSKINSON  
 NOTARY PUBLIC  
 ST. ANDREWS HOUSE  
 59 ST. ANDREWS STREET  
 CAMBRIDGE  
 CB2 3DD



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FULL NAME OF INVENTOR : HAILE TECLE

Inventor's signature :

Residence :

Citizenship :

Post Office Address :

Haile Tecle

3048 Turnberry

Ann Arbor, Michigan 48108

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Same

Date: 8/11/99STATE OF Michigan

COUNTY OF

Washtenaw

On August 11, 1999, the above-named inventors personally appeared before me and executed the foregoing instrument and acknowledged the same to be their free acts and deeds in and for the purpose set forth in said instrument.

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